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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,740	10/28/2003	Jason Bartell	07844-603001 / P556	6314
21876 7590 09/18/2008 FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
YANG, RYAN R				
ART UNIT		PAPER NUMBER		
2628				
NOTIFICATION DATE		DELIVERY MODE		
09/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/696,740

Applicant(s)

BARTELL ET AL.

Examiner

Ryan R. Yang

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-32, 35-41 and 44-50 is/are rejected.
- 7) ☒ Claim(s) 33-34, 42-43, 51-52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/25/2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 35-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claimed computer readable medium is not disclosed in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the claimed computer product is.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26, 32, 35, 41, 44 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Bronskill et al. (US 7,158,138).

As per claim 26, Bronskill et al., hereinafter Bronskill, discloses a computer-implemented method comprising:

receiving user input drawing a paint stroke during a time period ("a user may enter commands and information into the personal computer ...", column 5, line 3-7; "the path $Q(t)=\{x(t),y(t)\}$ of the guideline is first expressed in parametric form with parameter t ($0 \leq t \leq 1$)", column 6, line 59-67, where t is time);

associating a first set of time values in the time period with one or more parameter values, each of the one or more parameter values representing an appearance attribute of the paint stroke occurring at a time value (where the parameter could be W , H or T , see column 7, line 11-20); and

associating a second set of time values with the parameter values in the time period, the second set of time values being different from the first set of time values ("the bitmap brush being mapped once along the path $Q(t)$ from $0 \leq t \leq 0.5$ and once again from $0.5 \leq t \leq 1$ ", column 8, line 50-54).

As per claim 32, Bronskill demonstrated all the elements as disclosed in claim 26, and further discloses:

generating a first instance of the paint stroke (Figure 14, segment 0);

changing the paint stroke by changing the time value associated with a parameter value (Figure 14, segment 0 to segment 1);

generating a second instance of the paint stroke that corresponds to the changed paint stroke (Figure 14, segment 1); and

interpolating between the first and second instances to generate one or more additional instances of the paint stroke (Figure 16 where paint stroke in between segments are interpolated).

Claims 35 and 41, and 44 and 45 are similar to claims 26 and 33, respectively, therefore are similarly rejected as claims 26 and 33, respectively.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-31, 35-40 and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradstreet et al. (US 5,835,086).

As per claim 26, Bradstreet et al., hereinafter Bradstreet, discloses a computer-implemented method comprising:

receiving user input drawing a paint stroke during a time period (Figure 5, item 110 where AGE (2,6) is a time period);

associating a first set of time values in the time period with one or more parameter values, each of the one or more parameter values representing an appearance attribute of the paint stroke occurring at a time value ("Such effects include, for example, applying a preselected paint color, lightening or darkening the color of the pixel, changing the tint or color", column 3, line 56-59); and

associating a second set of time values with the parameter values in the time period, the second set of time values being different from the first set of time values (Figure 5, item 110 where AGE (3,8) is a second time period).

As per claim 27, Bradstreet demonstrated all the elements as disclosed in claim 26, and further discloses comprising:

associating independently the parameter values and the position values with the first set of time values (Figure 2 where the parameters are associated independently).

As per claim 28, Bradstreet demonstrated all the elements as disclosed in claim 26, and further discloses the association of parameter values with time values is defined as a function (Figure 4 wherein the painted stroke is a sequence of image which constitutes a functional relationship with time).

As per claim 29, Bradstreet demonstrated all the elements as disclosed in claim 28, and further discloses the function is piecewise linear (Figure 5 wherein each time piece is piecewise linear).

As per claim 30, Bradstreet demonstrated all the elements as disclosed in claim 28, and further discloses different function is used for each parameter value (different parameters has different functions).

As per claim 31, Bradstreet demonstrated all the elements as disclosed in claim 28, and further discloses the function is implemented as a table (Figure 5, item 110 is a table).

Claims 35-40, and 44-49 are similar to claims 26-31, respectively, therefore are similarly rejected as claims 26-31, respectively.

Allowable Subject Matter

Claims 33, 34, 42, 43, 51 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As per claim 33, the closest prior art by Bradstreet or Bronskill does not explicitly discloses

first instance and the second instance each correspond to a keyframe of an animation, the animation having an animation time frame, each keyframe corresponding to a time point in animation time; and

time value is changed as a function of animation time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ryan R Yang/
Primary Examiner, Art Unit 2628
September 16, 2008